

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

TONAWANDA COKE CORPORATION,

Debtor.

Chapter 11

Case No. 18-12156

Hon. Carl L. Bucki, U.S.B.J.

BALLOT FOR CLASS 3 TORT CLAIMS

Tonawanda Coke Corporation, the debtor and debtor-in-possession in the above-captioned case (the “Debtor”), is soliciting votes with respect to the Third Amended Plan of Liquidation of Tonawanda Coke Corporation (as the same may be amended, modified or supplemented from time to time, the “Plan”).¹ The Plan is described in and attached as Exhibit A to the Disclosure Statement for Third Amended Plan of Liquidation of Tonawanda Coke Corporation (the “Disclosure Statement”).

The Disclosure Statement, Plan and Solicitation Procedures Order may be requested from: (i) Debtor’s counsel by contacting Christine Napierski at (716) 848-1267 or cnapierski@hodgsonruss.com; or (ii) at the Bankruptcy Court’s website (<https://www.nywb.uscourts.gov>) (a PACER account is required).

This Ballot is being sent to the holder of a Class 3 Tort Claim as classified under the Plan. This Ballot is to be used by the holder of the Class 3 Tort Claim to vote to accept or reject the Plan. If the required votes on the Plan are received and the Bankruptcy Court confirms the Plan, it will be binding on you. **To have your vote count, you must complete and return this Ballot so it is actually received on or before 2:00 p.m. (Eastern Time) on January 13, 2025, to Clerk of the Court, U.S. Bankruptcy Court, Robert H. Jackson U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202 (the “Voting Deadline”).**

THE VOTING DEADLINE IS 2:00 P.M. (EASTERN TIME) ON JANUARY 13, 2025.



¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Plan.

IMPORTANT

PLEASE CAREFULLY REVIEW THE PLAN AND DISCLOSURE STATEMENT FOR A DESCRIPTION OF THE PLAN AND ITS EFFECTS ON HOLDERS OF CLAIMS AGAINST THE DEBTOR. YOU MAY WISH TO SEEK LEGAL ADVICE CONCERNING THE PLAN AND YOUR CLASSIFICATION AND TREATMENT UNDER THE PLAN. YOUR CLAIM IS TREATED AS CLASS 3 TORT CLAIM UNDER THE PLAN.

PLEASE READ CAREFULLY AND FOLLOW THE INSTRUCTIONS ON RETURNING YOUR BALLOT. THE VOTING DEADLINE BY WHICH YOUR BALLOT **MUST BE RECEIVED BY CLERK OF THE COURT, U.S. BANKRUPTCY COURT, ROBERT H. JACKSON U.S. COURTHOUSE, 2 NIAGARA SQUARE, BUFFALO, NY 14202 on or before 2:00 P.M. (Eastern Time) ON JANUARY 13, 2025**, OR THE VOTE REPRESENTED BY YOUR BALLOT WILL NOT BE COUNTED.

HOW TO VOTE

1. CAREFULLY REVIEW AND COMPLETE ITEMS 1, 2 AND 3.
2. SIGN THE BALLOT.
3. RETURN THE ORIGINAL BALLOT IN THE PRE-ADDRESSED RETURN ENVELOPE.

(Note: Additional Instructions For Completing Ballot Are Set Forth Below)

Please note that you must vote the entire claim you hold to accept or reject the Plan. For purposes of tabulating the votes, you will be deemed to have voted the full amount of your claim in your vote. You may not split your vote.

An authorized signatory of the holder of the Tort Claim may execute this Ballot, but must provide the name and address of the holder of the Tort Claim on this Ballot and may be required to submit evidence to the Bankruptcy Court demonstrating such signatory's authorization to vote on behalf of the holder of the Claim.

You must provide all of the information requested by this Ballot. Failure to do so may result in the disqualification of your vote.

Item 1. Certification Of Authority To Vote.

The undersigned hereby certifies that the undersigned is the holder (or authorized signatory for such holder) of the Class 3 Tort Claim against Debtor in the below-listed amount:

Debtor: Tonawanda Coke Corporation

Amount: _____

Item 2. Vote On Plan.

The undersigned holder of the Class 3 Tort Claim set forth in Item 1 votes as follows (check one box only – if you do not check a box, or if you check both boxes, your vote will not be counted):

☒ to ACCEPT the Plan

☐ to REJECT the Plan

Item 3. Authorization.

By returning this Ballot, the undersigned holder of the Claim hereby certifies it is the holder of the claim set forth in Item 1 above and has full power and authority to vote to accept or to reject the Plan. To the extent the undersigned is voting on behalf of the actual holder of a claim, the undersigned certifies that it has the requisite authority to do so and will submit evidence of the same upon request.

The undersigned further certifies that it (a) has received a copy of the Disclosure Statement (including the exhibits thereto), and (b) understands that the solicitation of votes for the Plan is subject to all the terms and conditions set forth in the Plan and Disclosure Statement.

Name: Maria Johnson
(Print or Type)

Signature: Maria Johnson

By: _____
(If Appropriate)

Title: _____
(If Appropriate)

Street Address: 45 Commodore Ave

City, State, Zip Code: Tonawanda NY 14150

Telephone Number: 716 908 8810

Date Completed: 12-16-2024